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EXAMINER

ALI, HATEM M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/703,394	Applicant(s) SMOLUCHA ET AL.	
	Examiner HATEM ALI	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8, 59-63 and 82-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 59-63 and 82-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **Final Action** in response to a communication received on **10/20/2008**.

Acknowledgement

2. **Claim** status:
- **Claims** are amended: 1, 59, 82 and 86
 - **Claims** are cancelled: 44 and 79
 - As such pending claims are: **1-8, 59-63 and 82-89**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 59-63, and 82-89** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Kaminkow** et al (2003/0036425) in views of **Nguyen** et al (2006/0035707).

As per claim 1, Kaminkow discloses that a system comprising:

a plurality of casino games located in a gaming establishment wherein at least some of the games include a reader component adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with

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gaming machines **100-103** and **para 0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

a network communicably coupling the plurality of casino games in the gaming establishment (**Abstract** , para **0066** and **Fig.3**; via local network **345**); and

an information system including software operable on the system to associate location data with reader component of each of the plurality of casino games and to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (**Fig.1** and **para 0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit [DCU] to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program, implied and inherent processors having computer readable media);

wherein upon detection of RFID tag carried by the individual, the casino games send the data from the RFID tag to the information system (**Abstract**; via **RFID tag**);

Kaminkow fails explicitly to disclose that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment

However, **Nguyen** being in the same field of invention discloses that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment(**Fig.12B** and **para 0003, 0020-0021, 0083, 0087, 0119-0121** and **0150-0151**; via **PGD** and **GPS** for the location or movement of player/individual)

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **Nguyen** to facilitate in order to locate player [implied individual/or player movement] via PGD and GPS.

As per claim 2, Kaminkow, discloses that a data transmission system connecting the reader component to the information system and wherein the transmission system comprises physical connectors connecting the information system to the reader components (**Figs. 9C-D and 10A-B and para 0165**, line 11; via RFID reader located on the gaming machine works with RFID system for player tracking program implemented on the gaming machine).

As per claim 3, Kaminkow discloses that a data transmission system connecting the reader component to the information system and wherein the transmission system comprises RF transmission components passing data between the reader components and the information system using radio frequency transmissions (**para 0031**; via input mechanism is Radio Frequency [RFID] reader and the RFID system).

As per claims 4-8, Kaminkow discloses that the reader component is an antenna and a reader unit located outside or in the casino game, receiving input from a plurality of antennas wherein the antennas are located in two or more different casino games (**Figs. 1, 9C-D and 10A-B and para 0164-0165**, line 5; via RFID readers **910**

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may probe simultaneously a plurality of RFID tags carried by players in the casino environment).

Claims 9 - 58. (Cancelled)

As per claim 59, *Kaminkow* discloses that a system comprising:

a plurality of casino games located in a gaming establishment having one or more reader components positioned therein, wherein the reader components are adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

a network communicably coupling the plurality of casino games in the gaming establishment (**Abstract** and **Fig.3**; via local network **345**); and

an information system including software operable on the system to associate location data with reader component of each of the plurality of casino games and to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (**Fig.1** and **para 0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program) implied and inherent processors having computer readable media);

wherein upon detection of RFID tag carried by the individual, the casino gamed send the data from the RFID tag to the information system (**Abstract**; via **RFID** tag);

Kaminkow fails explicitly to disclose that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment

However, **Nguyen** being in the same field of invention discloses that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment (**Fig.12B** and **para 0003, 0020-0021, 0083, 0087, 0119-0121 and 0150-0151**; via **PGD** and **GPS** for the location or movement of player/individual)

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **Nguyen** to facilitate in order to locate player [implied individual/or player movement] via PGD and GPS.

Claims 60-63 are rejected as per the reasons set forth in claims **4-6** and **8** respectively.

Claims 64 - 81 (Cancelled)

As per claim 82, Kaminkow discloses that a method comprising:
detecting an RFID tag in proximity to a reader component of the plurality of reader components, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (**para 0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer); and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment and as determined by the location data. (**para 0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer implied recording information/movement of person/players),

Kaminkow fails explicitly to disclose the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system

However, **Nguyen** being in the same field of invention discloses the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system (**Fig.12B** and **para 0003, 0020-0021, 0083, 0087, 0119-0121 and 0150-0151**; via **PGD** and **GPS** with sensor **124** and central gaming system [**para 0120** and **Fig.2**; via communication interface **44** [implied PGD as one of gaming device-casino])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **Nguyen** to facilitate in order to transmit data via **PGD**, **GPS** with sensor **124** to central gaming system [**para 0120** and **Fig.2**; via communication interface **44** [implied PGD as one of gaming device-casino])

As per claim 83, *Kaminkow* discloses that the step of recording information concerning the movement or activities of the individual includes recording the individual's game playing history by determining the proximity to a casino game of the RFID tag carried by the individual (para **0170**, lines 15-18; via the players [persons] to be in a location within the range of the RFID reader, RFID tags persons carrying to be read, implied player's information).

As per claim 84, *Kaminkow* discloses that the step of further comprising detecting an RFID tag in proximity to a casino game whether or not the individual plays the casino game (para **0170**, lines 1-5; via person carrying RFID tags without active participation).

As per claim 85, *kaminkow* discloses that the RFID tag is mounted in a token or card an individual uses in connection with playing a casino game. (**Figs. 9C, 10A-10B** and **para 0156**, lines 1-8; via RFID tag **906** may be embedded in a media, such as paper or plastic i.e. credit card size plastic substrate or printable label with adhesive backing)

As per claim 86, *Kaminkow* discloses that a computer-readable medium having stored thereon computer executable instructions for causing one or more processors to perform a method (**Fig.1** and para **0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program) implied and inherent processors having computer readable media), the method comprising:

detecting an RFID tag in proximity to a reader component of the plurality of reader components, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machine **100-103** and **para 0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer); and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment and as determined by the location data (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer).

Kaminkow fails explicitly to disclose the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system

However, **Nguyen** being in the same field of invention discloses the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system (**Fig.12B** and **para 0003, 0020-0021, 0083, 0087, 0119-0121** and **0150-0151**; via **PGD** and **GPS** with sensor **124** and central gaming system[**para 0120** and **Fig.2**; via communication interface **44** [implied PGD as one of gaming device-casino])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the

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disclosures as taught by **Nguyen** to facilitate in order to transmit data via **PGD**, **GPS** with sensor **124** to central gaming system [para **0120** and **Fig.2**; via communication interface **44** [implied PGD as one of gaming device-casino]]

Claims 87-89 are rejected as per the reasons set forth in the **claims 83-85** respectively.

Response to Arguments

5. **Applicant's** arguments with respect to **claims 1-8, 59-63, and 82-89** have been considered but are moot in view of the new ground(s) of rejection.

In response to **Applicant's** argument (Remark page 8, lines 28+) that "Applicant has reviewed Kaminkow and can find no disclosure of tracking the movement of a gaming establishment patron by any mechanism", the **Examiner** respectfully refers **Nguyen (Fig.12B and para 0003, 0020-0021, 0083, 0087, 0119-0121 and 0150-0151; via PGD and GPS with sensor 124 and central gaming system[para 0120 and Fig.2; via communication interface 44 [implied PGD as one of gaming device-casino]]).**

Finally, as it is understood all references cited are to teach and suggest the concept of the invention, but not the complete invention applied for.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3692

Hatem Ali
Examiner
Art Unit 3692